UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,179	06/20/2003	Steven E. Barile	42P15785	9758

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INTEL CORPORATION
c/o INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS, MN 55402

EXAMINER
KIANERSI, MITRA

ART UNIT	PAPER NUMBER
2145	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/600,179	BARILE, STEVEN E.
	Examiner	Art Unit	
	MITRA KIANERSI	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>07252008</u>.

2a) ☐ This action is **FINAL**.　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-27</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☐ Claim(s) <u>1-27</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>06232006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)　Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-9, 12, 17, 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8-9, 12, 17, 24-25 recites the limitation "occasionally connected". There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1- 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Mastronardi (US Patent No: US 6,346,951 B1)

1.   As per claims 1, a method comprising:

-creating a play list based on a user's preferences; (Fig.7, Fig.8 and Fig.9)

-connecting a device of the user to a network; (col 1, lines 36-62)

-submitting the play list to a multimedia content provider through the network; (col 3, lines 63-67, col 4, lines 1-5 and col 9, lines 38-55)

-gathering multimedia content specified in the play list, (Fig.5 and col 8, 63-67 and col 9, lines 1-20)

-downloading the multimedia content to a multimedia content cache in the device, (Claim 1 discloses a server remote from said jukebox device that can be accessed by said jukebox device through said distribution network, wherein said server maintains a master database of songs and graphics that can be selectively downloaded to said jukebox device for storage in said local computer memory; also see col 3, line35, processor cache memory: 256 Kbyte).

-disconnecting the device from the network, (the appearance of an end of time-out indicating that the system is inactive: when one of the various timers is activated, control is temporary turned over to the inactivity routine module IRM for processing. (col 5, lines 59-62)

-playing the multimedia content on the device (claim 1 discloses a jukebox system, including a microprocessor, a local computer memory that maintains a local database of digitized songs of various artists and related graphical items corresponding to album covers associated with each the digitized songs, a display for displaying video, an audio arrangement providing audio, a communication system for enabling the jukebox device to communicate with an audio and graphic distribution network, and a multitasking operating system that enables simultaneous operation of the microprocessor, the display, the audio arrangement and the communication system).

2.   As per claims 2 and 18, the method wherein creating a play list comprises:
-creating an initial play list based on at least one of the following: the user's specifications, a play list pre-defined by the user, and a play list pre-determined by the multimedia content provider; (col 7, lines 3-44)
-expanding the initial play list by recommending to the user additional content based on the user's preferences; (col 7, lines 3-44)
 -refining the expanded initial play list based on the user's feedback. (Each event that is interpreted by the associated touch-screen interface is then delivered to the corresponding module in order to trigger either a modification of a running program by calling, for

example, another graphic module, or a modification of the physical parameters of the machine by causing these parameters to be stored and ensuring later use by the electronics associated with this parameter. Col 5, lines 19-26)

3.   As per claims 3 and 19, the method wherein expanding the initial play list comprises cross-pollinating the initial play list using play lists of other users. (col 2, lines 59-62)

4.   As per claims 4 and 20, the method wherein the device comprises a portable device. (Col 4, lines 42-47).

5.   As per claims 5 and 21, the method wherein playing the multimedia content comprises accessing the multimedia content and rendering the multimedia content to the user. (col 6, lines 45-51)

6.   As per claims 6 and 22, the method wherein accessing the multimedia content comprises at least one of the following: unpacking, decrypting, decompressing, and decoding the multimedia content. (decompressing, col 7, lines 66-67 and col 8, lines 1-24)

7.   As per claims 7 and 23, the method, wherein the network comprises at least one of the following: a local area network, a wide area network, the Internet, a terrestrial broadcast network, and a wireless network. (col 1, lines 36-40)

8.   As per claims 8 and 24, a method comprising:
 -connecting occasionally to device through the internet, ((col 8, lines 24-62)
 -accepting a play list of multimedia files; (col 8, lines 24-62)
 -searching a database for multimedia content according to the play list; processing the multimedia content before the multimedia content is downloaded; (the window zone, which includes the several windows, displays a cover in each window and includes representations of selection criteria for searching the database of the system. The selection criterion can be activated when the user touches the screen. The selection criterion consists of data ranges such as recent decades, music category, song index, etc. col 2, lines 26-32)
 -transferring the multimedia content to an occasionally-connected device while connected. (Col 9, lines 39-55)

9.   As per claims 9 and 25, the method wherein the occasionally connected device comprises a portable device. (Col 4, lines 42-47).

10.   As per claims 10 and 26, the method wherein processing the multimedia files
comprises at least one of the following: packaging, encrypting, compressing, and encoding
the multimedia files. (compressing, col 1, lines 36-47)

11.   As per claims 11 and 27, the method wherein the database comprises at least one
of static and dynamic multimedia content. (An audio or audiovisual selection is being
played, in col 10, lines 25-45 describes the static and dynamic status of the system).

12.   As per claim 12, a system, comprising:

-a play list creator capable of creating a play list of multimedia files; (Fig 7, Fig. 8 and Fig.9)

-a multimedia content provider capable of providing multimedia files specified by the play
list for a user to download; (claim 1)

-a multimedia content cache capable of receiving the multimedia files through a network
while occasionally connected and storing the multimedia files,(Claim 1)

-a multimedia content and rendering the multimedia content to the user, a multimedia
content player capable of accessing and rendering the multimedia contents to the user. (col
6, lines 45-51)

13.   The system wherein the play list creator comprises:

a play list generating mechanism capable of generating a play list; (Fig.7, Fig.8 and Fig.9)

a pre-determining mechanism capable of at least one of the following receiving parameters
specifying the user's preferences, loading a user pre-defined play list, and providing a
number of play lists pre-determined by the multimedia content provider;(Col 7, lines 3-44)

-a recommendation mechanism capable of expanding the play list by recommending
additional multimedia files; (Col 2, lines 59-62)

-a user feedback uploading mechanism capable of uploading the user feedback to refine
the play list. (Col 5, lines 19-26)

14.   As per claim 14, the system wherein the multimedia content provider comprises:

 -a communication port; (high-performance serial and parallel ports; col 3, line 39)

 -a multimedia content database. (Each zone of a window is associated, via the touch-
 screen interface software, with at least one address for accessing the items of information
 in the database that is stored in the bulk memory belonging to the album cover whose
 image is displayed in the window that is touched by the user. Abstract)

-a searching mechanism capable of searching the multimedia content database for
multimedia files in the play list; (Each zone of a window is associated, via the
Touch-screen interface software, with at least one address for accessing the
items of information in the database that is stored in the bulk memory belonging to the
album cover whose image is displayed in the window that is touched by the user. Abstract)

-a content processing mechanism capable of at least one of the following: packaging,
encrypting, compressing, and encoding the multimedia files. (Compressing, col 1, lines 36-
47)

15.   As per claim 15, the system wherein the multimedia content cache comprises:

-a communication port; (high-performance serial and parallel ports; col 3, line 39)

-a receiving component capable of downloading and receiving the multimedia files from
the multimedia content provider through a network; (the window zone, which includes the
several windows, displays a cover in each window and includes representations of
selection criteria for searching the database of the system. The selection criterion can be
activated when the user touches the screen. The selection criterion consists of data
ranges such as recent decades, music category, and song index, and etc. col 2, lines 26-
32)

-a storage component capable of storing the multimedia files. (Data required for the
display can be selected from information that is stored in a bulk memory representing an
image of the recording cover. Corresponding music recordings are stored in the bulk
memory of the reproduction system, and each zone of a window is associated with at least
one address for accessing the information of the databases via a touch-screen interface.
(Col 2, lines 36-52)

16.   As per claim 16, wherein the multimedia content player comprises:

-a multimedia content access module capable of at least one of the following: unpacking,
decrypting, decompressing, and decoding the multimedia files stored in the multimedia
content cache; (decompressing, col 7, lines 66-67 and col 8, lines 1-24)

-a multimedia content rendering mechanism capable of rendering the multimedia files to a user. (Col 6, lines 45-51)

17.   As per claim 17, an article comprising: a machine accessible medium having content stored thereon, wherein when the content is accessed by a processor, the content provides for caching multimedia content to device by:

-creating a play list based preferences of a user of the device; (Fig.7, Fig.8 and Fig.9)

-submitting the play list to a multimedia content provider through a network while the device is occasionally connected; (col 3, lines 63-67, col 4, lines 1-5 and col 9, lines 38-55)

 -downloading multimedia content in the play list to a device when the device is connected to the multimedia content provider and caching the multimedia content on the device; (Claim 1 discloses a server remote from said jukebox device that can be accessed by said jukebox device through said distribution network, wherein said server maintains a master database of songs and graphics that can be selectively downloaded to said jukebox device for storage in said local computer memory; also see col 3, line35, processor cache memory: 256 Kbyte).

-playing the cached multimedia content while the device is not connected to the multimedia content provider. (claim 1 discloses a jukebox system, including a microprocessor, a local computer memory that maintains a local database of digitized songs of various artists and related graphical items corresponding to album covers associated with each the digitized songs, a display for displaying video, an audio arrangement providing audio, a communication system for enabling the jukebox device to communicate with an audio and graphic distribution network, and a multitasking operating system that enables simultaneous operation of the microprocessor, the display, the audio arrangement and the communication system).

18.   Claim 18, discloses the same limitations as claim 13 and is rejected by the same rational.

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to MITRA KIANERSI whose telephone number is (571)272-
3915. The examiner can normally be reached on 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Jason Cordone can be reached on (571) 272-3933. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published
applications may be obtained from either Private PAIR or Public PAIR. Status information
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217-9197 (toll-free). If you would like assistance from a USPTO Customer Service
Representative or access to the automated information system, call 800-786-9199 (IN USA
OR CANADA) or 571-272-1000.

Mitra Kianersi
Sept/02/2008

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145